

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

JERRY L. DAVEY, SR.,
(Social Security No. XXX-XX-4723),

Plaintiff,

V.

4:08-cv-41-WGH-SEB

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

ORDER ON MOTION FOR SUMMARY JUDGMENT

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, upon the consents of the parties (Docket Nos. 9, 13) and an Order of Reference dated June 17, 2008 (Docket No. 16). The plaintiff filed a Motion for Summary Judgment on August 13, 2008. (Docket Nos. 18-19). Defendant filed a Memorandum in Support of the Commissioner's Decision on November 12, 2008. (Docket No. 24). Defendant's Reply Memorandum was filed on November 24, 2008. (Docket No. 25). The court issued an order for supplemental briefing dated December 18, 2008. (Docket No. 26). Defendant filed a Supplemental Memorandum in Support of the Commissioner's Decision on January 20, 2009. (Docket No. 29). Plaintiff filed a Supplemental Memorandum on February 9, 2009. (Docket No. 32). Counsel for the parties appeared before the Magistrate Judge, by telephone, on February 27, 2009, for oral argument.


The court, being duly advised, now **DENIES** the plaintiff's Motion for Summary Judgment. Based upon the findings attached hereto, the court finds

that the decision of the Administrative Law Judge should be, and hereby is,

AFFIRMED. The plaintiff's Complaint is **DISMISSED.**

SO ORDERED.

Entered: March 3, 2009



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

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